

14 OCTOBER 1946

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1 Monday, 14 October, 1946

2 - - -

3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12
13 Appearances:

14 For the Tribunal, same as before.

15 For the Prosecution Section, same as before.

16 For the Defense Section, same as before.

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18 - - -

19
20 (English to Japanese, Japanese to
21 English, Russian to English and Japanese to
22 Russian interpretation was made by the
23 Language Section, IMTFE.)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session
3 and ready to hear any matter brought before it.

4 THE PRESIDENT: Colonel Rosenblit.

5 (Whereupon, Colonel Ivanov approached
6 the lectern.)

7 COLONEL IVANOV: Your Honor, on Friday
8 October 11, at the end of the afternoon session,
9 I submitted for identification prosecution document
10 No. 4107; Minutes of Interrogation of accused, MATSUI,
11 Iwane. This document has not been accepted by the
12 Tribunal.

13 CLERK OF THE COURT: Prosecution's document
14 No. 4107 will receive exhibit No. 733 for identification.

15 (Whereupon, the document above referred
16 to was marked prosecution's exhibit No. 733 for
17 identification.)

18 COLONEL IVANOV: I submit in evidence
19 excerpts from this document.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: The excerpts from
22 document 4107 will receive exhibit No. 733-A.

23 (Whereupon, the document above referred
24 to was marked prosecution's exhibit No. 733-A
25 and was received in evidence.)

1 COLONEL IVANOV: I quote interrogation of
2 the accused MATSUI of April 25, 1946, page two,
3 paragraph three:

4 "Q. That decisions were accepted in the
5 conference of the Japanese military attaches in
6 Europe, called in Berlin in 1929?

7 "A. In 1929, I, in my capacity of director
8 of the second department of the General Staff, was
9 in America and Europe. During my stay in Berlin,
10 I called a conference of all the military attaches
11 of Japan in European countries. At the conference
12 we considered various current problems. "We didn't
13 touch on any political problems at the conference."

14 I quote page three, last paragraph:

15 "Q. Did HASHIMOTO participate in the
16 deliberations of that conference?

17 "A. Yes, HASHIMOTO, being at that time
18 military attache in Turkey, participated in the
19 deliberations of that conference."

20 I quote page four, paragraphs one and two:

21 "Q. A document is being shown to you
22 which is a photo-copy of notes concerning the work
23 of the conference of military attaches in Berlin
24 in 1929. Were questions given in the document
25 considered at the conference?

1 "(A photo-copy of the said document is being
2 shown.)

3 "A. Having read the document shown to
4 me, I have come to the conclusion that the notes
5 were made by one of the persons who were present
6 at the conference and apparently reflect correctly
7 the contents of some of the questions which were
8 considered at the conference."

9 If the Tribunal please, I shall now deal
10 with the prosecution document No. 1682, exhibit
11 No. 732. I shall quote in evidence an excerpt
12 from this document.

13 THE PRESIDENT: Mr. Logan.

14 MR. LOGAN: If the Tribunal please, Friday
15 document No. 1682 was marked 732 for identification.
16 It was objected to on the ground it was not properly
17 proven that the attaches at this conference had
18 discussed these matters and in order to prove its
19 case further, prosecution offered this document
20 this morning, 4107, exhibit 733-A. In reading the
21 interrogation of MATSUI, it appears that a document
22 was shown to him which he identified, but there is
23 nothing on document 1682, 732 for identification,
24 which shows that that was the document that was
25 shown to him.

1 THE PRESIDENT: That means that we should
2 have evidence on oath here, or by affidavit or
3 otherwise, from the person who took or who made the
4 interrogation.

5 MR. LOGAN: That is right, your Honor.

6 THE PRESIDENT: That is your opinion.

7 MR. LOGAN: In other words, the document
8 is not properly proven.

9 THE PRESIDENT: We will hear Colonel Ivanov
10 first, or Minister Golunsky.

11 MR. GOLUNSKY: If the Tribunal please,
12 we will put on the stand the man who questioned
13 MATSUI, Iwane, and who had shown him the document.

14 THE PRESIDENT: Are you going to put him
15 on the stand now?

16 MR. GOLUNSKY: I think he will be here in
17 five minutes. If the Tribunal please, we might
18 proceed now with the document if the Tribunal would
19 agree to accept it conditionally now.

20 THE PRESIDENT: Go ahead with something
21 else in the meantime.

22 COLONEL IVANOV: I present for identification
23 prosecution document No. 1989, the photo-copy of a
24 report entitled, "Situation in the Caucasia and its
25 Strategic Use for the Purpose of Sabotage Activities."

1 CLERK OF THE COURT: Prosecution document
2 No. 1989 will receive exhibit No. 734.

3 ("Whereupon, the document above referred
4 to was marked prosecution's exhibit No. 734
5 for identification.)

6 COLONEL IVANOV: As it is shown in this
7 document it was written on November 15, 1929, Register
8 No. 5, by the then Major HASHIMOTO, Japanese Military
9 Attache in Istanbul, whose seal is on the document,
10 and addressed to General OKAWOTO, Assistant Chief
11 of the Japanese General Staff. I quote in evidence
12 one excerpt from this document.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: The excerpt from
15 prosecution's document No. 1989 will receive exhibit
16 No. 734-A.

17 ("Whereupon, the document above
18 referred to was marked prosecution's exhibit
19 No. 734-A and was received in evidence.)

20 COLONEL IVANOV: In his report HASHIMOTO,
21 Kingoro, wrote: I quote paragraph one on page one:

22 "The Caucasus area, various in race and
23 religion, is affected little by Russian civilization,
24 being located far from the center of Soviet Russia.
25 Considering this, the Caucasus is surely an important

1 area from the standpoint of strategens against
2 Russia. However, because of the fact that the various
3 races in the area are antagonistic to each other
4 and can not cooperate in doing anything, we cannot
5 deny that it will be very difficult to unite the
6 whole Caucasus in rising against Russia unless by
7 the force of military occupation."

8 I shall not inconvenience the Tribunal
9 by quoting further from this lengthy document in
10 which HASHIMOTO worked out a system of concrete
11 acts of political sabotage "to make all races in the
12 Caucasus confront each other and consequently to
13 bring confusion in the area." Besides, HASHIMOTO
14 in this document lays the foundation for the designs
15 of Japanese militarists on seizing the Caucasus
16 "by means of methods of military occupation" together
17 with some other countries bordering on the U.S.S.R.

18 MR. LOCAN: If the Tribunal please, we think
19 that a stop should be made to this, to the prosecution
20 commenting and quoting something which is not in
21 evidence. This has been going on since the latter
22 part of last week and it is contrary to your Honor's
23 order that when they read paragraphs they should
24 not introduce them with their comments.
25

MR. FURNESS: Furthermore, if your Honor

1 please, in this case it was not mere comment. It
2 was a direct quotation from something which is not
3 in evidence at all and we feel that it should be
4 stricken.

5 MR. GOLUNSKY: If the Tribunal please, I
6 think that because there is some --were we to submit
7 in evidence the whole of the document then we will
8 have to distribute the English translation to the
9 defense in one or two days.

10 MR. McMANUS: If your Honor pleases, we
11 realize that the Russian prosecution has prepared
12 their case rather diligently and everything has been
13 prepared because of language difficulties to be
14 presented and so that it may be properly presented to
15 the Court and through the language section; however,
16 because they have done that, it should not militate against
17 us for the purposes of expediency. After the opening
18 statement by the Russian prosecutor just last week,
19 in the face of some document being introduced, the
20 associate prosecutor said in summation, just as an
21 opening remark -- it is the prosecutor testifying
22 himself, your Honor. We resent it and we object to it.
23 I should like to request the Tribunal to instruct the
24 prosecution henceforth just to confine themselves to
25 the offering of documents without any lengthy

1 explanation or summation.

2 THE PRESIDENT: The Tribunal has at no time
3 allowed a prosecutor to testify from the lectern,
4 that is to say, to make statements of fact without
5 proving them. Some days ago we allowed the Russian
6 prosecutor a little grace to reduce comments which he
7 was making and which he had prepared and which were
8 based on evidence which he submitted or which he pro-
9 posed to submit. The statement made this morning
10 by the Russian prosecutor from the lectern and which
11 is objected to exceeded the bounds of fair comment.
12 It extended to matters of fact which there is no in-
13 tention of establishing because no preparations have
14 been made to establish those facts or are they con-
15 templated. To the extent the observations of the
16 Russian prosecutor exceed the evidence adduced and
17 exceed the bounds of fair comment, they will be dis-
18 regarded. The objection is upheld to that extent.

19 Colonel Rosenblit.

20 COLONEL IVANOV: I ask the Tribunal to call
21 in court as witness Colonel Morosov to testify that
22 the said document, No. 1682, had been presented for
23 identification to MATSUI, Iwane, during the inter-
24 rogation of the latter.
25

MOROSOV

DIRECT

1 P L A T O N D M I T R I E V I C H M O R O S O V,
2 called as a witness on behalf of the prosecution,
3 being first duly sworn testified as follows:

4 THE PRESIDENT: Mr. Levin.

5 MR. LEVIN: I wish to call attention to
6 the Court that the witness apparently has been sworn
7 under the Soviet oath. It seems to us that he should
8 be sworn under the oath of this Court.

9 THE PRESIDENT: No, the Charter allows what
10 was done and if the Charter did not, we would allow
11 it in any event. The witness is to select what form
12 is binding on him. That is the common law of my
13 country; I think it is of all countries. The Charter
14 expressly covers this case.

15 Yes.

16 DIRECT EXAMINATION

17 BY COLONEL IVANOV:

18 Q Give your full name.

19 A Morosov, Platon Dmitrievich.

20 Q How old are you?

21 A Forty years old.

22 Q What position do you hold at the present?

23 A I am military interrogator of the Soviet
24 Section of the IPS here in Tokyo.

25 Q Did you take part in the interrogation of

MOROSOV

DIRECT

1 MATSUI, Iwane, on April 25 this year?

2 A Yes, on 25th of April, 1946, at Sugamo
3 Prison I interrogated MATSUI, Iwane.

4 Q Did military interrogator, Colonel Baginyan
5 interrogate MATSUI, Iwane at that time also?

6 A Yes, military interrogator Colonel Baginyan
7 also conducted the interrogation of MATSUI, Iwane,
8 and the document is signed by him.

9 Q Where is Colonel Baginyan at the present?

10 A As far as we know he is in Moscow.
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MOROSOV

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1 Q Mr. Witness, please look at this document.
2 This is document No. 1682, Items Concerning the U.S.S.R.
3 Presented at the Conference of Japanese Military
4 Attaches in Europe. Please tell the Court, is this
5 a document which has been submitted to MATSUI? Was
6 this document presented to MATSUI, Iwane, and did he
7 read its contents?

8 A Having considered this document now, I can
9 tell you that this document was presented during the
10 interrogation. It has been presented to MATSUI, Iwane,
11 in April, 1946.

12 Q Now the defense may cross-examine the witness.

13 THE PRESIDENT: Show him first exhibit No. 733A,
14 and ask him whether that is the interrogation to
15 which he refers or a record of it. There may have
16 been more than one interrogation in April.

17 COLONEL IVANOV: I quoted the title of the
18 document 1682 to the Tribunal and I presented this
19 document to the witness.

20 Q Mr. Witness, tell the Tribunal was this
21 interrogation of April 25th signed by you and other
22 persons who took part in the interrogation? Is this
23 the same minutes of the interrogation?

24 A Yes, the minutes of the interrogation which
25 were presented to me right now were signed by me and

MOROSOV

DIRECT
CROSS

1 by other persons who had taken part in the inter-
2 rogation.

3 Q Is this the same document in which it is
4 said that the document No. 1682 had been presented
5 to the accused MATSUI?

6 A As I came to know now, the number of the
7 submitted document is not in the minutes of the
8 interrogation. However, it is said in the minutes
9 of the interrogation that the same document which
10 has been presented to me here in the Court was sub-
11 mitted to the accused MATSUI, the document which is
12 about -- which refers to the record of the conference
13 of the Japanese military attaches in certain European
14 countries which was held on April, 1929 in Berlin.

15 COLONEL IVANOV: I finish the direct examin-
16 ation by this question, and if the defense wish, they
17 can cross-examine the witness now.

18 THE PRESIDENT: Mr. Mattice.

19 CROSS-EXAMINATION

20 BY MR. MATTICE:

21 Q I understand you are connected with the
22 I. P. S. In addition to the capacity which you mentioned,
23 do you hold any other office or position with the I. P.
24 S.?

25 A I repeat that I am military interrogator of

MOROSOV

CROSS

1 the Soviet part of the I. P. S., International Mili-
2 tary Tribunal in Tokyo.

3 THE PRESIDENT: He is military interrogator
4 of the Russian prosecution here.

5 Q Was this interrogation about which you have
6 spoken the only interrogation of the accused MATSUI?

7 A If my memory doesn't fail me, it was the
8 only interrogation of the accused MATSUI. However,
9 certain accused were interrogated during several days,
10 and now that half a year has passed already, I can't
11 remember exactly how long did the interrogation of
12 MATSUI last.

13 Q My question, Mr. Witness, was not how long
14 did the interrogation last, but whether you interro-
15 gated him on other occasions than the one you mentioned.

16 THE PRESIDENT: Well, he said he could not
17 recollect any other. So leave it at that.

18 Q On the occasion when this interrogation took
19 place -- strike that, please.

20 Do you speak Japanese, Mr. Witness?

21 A No, I don't speak Japanese.

22 Q An interpreter was used then in the conduct
23 of this interrogation?

24 A Yes. The interrogation of MATSUI was conducted
25 in Japanese. The interpretation was done by Junior

MOROSOV

CROSS

1 Lieutenant Petrov.

2 Q Who acted as interpreter on this case?

3 THE PRESIDENT: He said so. This is hardly
4 important. The American interrogators use Japanese
5 interpreters.

6 MR. MATTICE: That is not the purpose of
7 the question, if the Court please.

8 Q I will ask you, Mr. Witness, if the accused
9 MATSUI was not interrogated on three occasions, on
10 the first two of which a male interpreter served as
11 interpreter, and on the third a female acted as
12 interpreter?

13 A I repeat that in order to give precise in-
14 formation I must get acquainted with all the documents
15 which concern this case in order to establish the
16 number and date in order to give precise answer to
17 your question.

18 MR. MATTICE: I don't know whether it is the
19 system or not, but I was unable to hear the answer
20 in English.

21 THE PRESIDENT: He said he would have to
22 read all the documents to answer, that is what he
23 meant.

24 Q On the occasion of this interview that you
25 have testified about, did MATSUI hand to you a written

MOROSOV

CROSS

1 statement?

2 A I don't understand the question because of
3 bad interpretation. Please repeat it.

4 Q Did MATSUI, in addition to answering your
5 questions, hand to you a written statement?

6 A Yes. As far as I remember, MATSUI, according
7 to the request of the interrogator, wrote a page or
8 several pages and --

9 MR. MATTICE: It doesn't come through, if
10 the Court please.

11 A (Continuing): and a copy of the notes should
12 be included in the minutes of the interrogation.
13 These notes were in regard to his ideas of Greater
14 East Asia and what it should be; and they had nothing
15 to do with the question of identification of the docu-
16 ment which had been presented to him.

17 THE PRESIDENT: May I tell you what he said?
18 He just told you that MATSUI gave him some notes about
19 Greater East Asia having no bearing on this matter.

20 MR. MATTICE: That is all, your Honor.

21 THE PRESIDENT: There is no further cross-
22 examination apparently.

23 MR. GOLUNSKY: No redirect.

24 THE PRESIDENT: The witness is released on the
25 usual terms.

1 (Whereupon, the witness was excused.)

2 COLONEL IVANOV: If the Tribunal please, I
3 shall read in evidence extracts from the document
4 1682, exhibit No. 732.

5 THE PRESIDENT: Admitted on the usual terms.

6 Do you propose to read from a document already
7 in evidence?

8 COLONEL IVANOV: Yes. This document had
9 been earlier submitted by me for identification. Now
10 I shall read an excerpt from this document in evidence.

11 CLERK OF THE COURT: Prosecution's document
12 No. 1682 was given exhibit No. 732 for identification.
13 The excerpt therefrom, bearing the same number, will
14 be given exhibit No. 732-A.

15 COLONEL IVANOV: In the first part under the
16 title "Investigation of Situations" I shall quote the
17 following paragraphs from page 1, top page:

18 "A study of sabotage measures to be taken by
19 various European countries in case of war with the
20 U.S.S.R.

21
22 "4. A survey of the conditions and future
23 activity of white Russians in foreign countries. .

24 "5. Views on the effect on Soviet-European
25 relations, if in the future JAPAN should end friendly
relations with the U.S.S.R."

1 From the second part under the title
2 "Miscellaneous Items" I quote the second paragraph.

3 "2. Opinions on intelligence work against
4 the U.S.S.R. conducted by Japanese military attaches
5 stationed outside the U.S.S.R."

6 My colleague in prosecution, Mr. Tavenner,
7 has already presented to the Tribunal a document
8 showing that OSHIMA, being Japanese Ambassador in
9 Berlin, discussed with Hitler concrete sabotage and
10 terrorist measures which he was carrying out against
11 the Soviet Union.

12 My other colleague in prosecution, Major
13 General Tadevosyan, will offer in evidence a number
14 of verdicts announced by Soviet courts, who every
15 year heard many cases of sabotage acts prepared and
16 carried out by Japanese agents on the Soviet Union
17 territory.

18 I tender in evidence prosecution document
19 No. 2307, the supplemental note of protest of the
20 Soviet Embassy in Japan. The document has been pre-
21 sented to show that the Soviet Government protested
22 against the hostile activities of the Japanese mili-
23 tary authorities in Manchuria.

24
25 THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Prosecution document

1 No. 2307 will receive exhibit No. 735.

2 (Whereupon, the above-mentioned
3 document was marked prosecution's exhibit
4 No. 735 and received in evidence.)

5 COLONEL IVANOV: I quote the document from
6 the beginning of the first page:

7 (Reading): "Numerous facts of intolerable
8 anti-Soviet activities of the Japanese military
9 authorities of Manchuria which are absolutely con-
10 tradictory to article 5 of the Peking Convention
11 concluded between the USSR and Japan on January 20,
12 1925, have repeatedly been brought to the notice of
13 the Japanese Imperial government. Below are given
14 new facts which show that these activities have
15 lately been carried on on a larger scale and that
16 intense sabotage work in the USSR has been organized
17 on the territory of Manchuria.

18 "The Japanese military authorities often
19 make use of the Russian whiteguard emigrants living
20 in Manchuria for their anti-Soviet activities, using
21 them directly or indirectly for committing terroris-
22 tic and sabotage acts on the USSR territory, smuggling
23 them for this purpose to the USSR, etc."

24 Now I shall present evidence of the fact
25 that in spite of all these notices the Japanese

1 authorities continued to carry on activities hostile
2 towards the Soviet Union.

3 I present for identification prosecution's
4 document No. 1968. The document is entitled, "Revision
5 of the Anti-Soviet Sabotage Activities and of Guidance
6 of White Russians in Keeping with the Revisions."

7 CLERK OF THE COURT: Prosecution's document
8 No. 1988 will receive exhibit No. 736.

9 THE RUSSIAN MONITOR: Correction: Document
10 No. 1968.

11 CLERK OF THE COURT: Prosecution's document
12 No. 1968 will receive exhibit No. 736 for identifica-
13 tion.

14 (Whereupon, the above-mentioned docu-
15 ment was marked prosecution's exhibit No. 736
16 for identification.)

17 COLONEL IVANOV: This document is a part of
18 the material of the conference of Japanese chiefs of
19 military organs in Northern Manchuria called in
20 Harbin on February 16 and 17, 1940. The document
21 was drawn up by the military mission in Harbin, and
22 is dated February 16, 1940. I shall read in evidence
23 several excerpts from this document, from which it
24 is seen that the changes in sabotage work directed
25 against U. S. S. R. were necessary to make the work

more effective.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: The excerpt from prose-
3 cution's document 1968 will receive exhibit No. 736-A.

4 (Whereupon, the above-mentioned
5 document was marked prosecution's exhibit
6 No. 736-A and received in evidence.)

7 COLONEL IVANOV: I shall quote an extract
8 from the first page of this document proving the
9 above. I quote the first paragraph, page 1:

10 "Reform of the anti-Soviet sabotage ac-
11 tivities. The idea we have hitherto had regarding
12 the anti-Soviet sabotage activities was to use the
13 individual sabotage units under the direct leader-
14 ship of the Japanese military authorities. However,
15 to make this more effective in future, it is ad-
16 vantageous to establish a Far East Anti-Comintern
17 Self-government simultaneously with the commencement
18 of hostilities, to unite various kinds of sabotage
19 activities by this, and to add political meanings to
20 this."
21

22 Item I of the section reads, paragraphs
23 2 and 3 on page 1 -- on page 2, I quote:

24 "Part I -- is to appoint White Russians
25 in important posts of the present administrative
and economic systems and to make them undertake

1 practical business. Considering these practical
2 businesses, it is necessary to appoint them on
3 responsible posts and not to confine them to such
4 robot-like beings as former Russian public officials
5 or company employees in Manchuria. For this purpose,
6 special appointments must be opened for them to
7 some extent.

8 "The central government recently enumerated
9 where the White Russians could be used: at least,
10 every local administrative and self-governing systems,
11 military authorities, railway, other special companies,
12 etc., under the province, and it is required to assign
13 necessary personnel to all parts, and to engage them
14 in practical businesses of military affairs, police
15 affairs, economy, industry, traffic, correspondence,
16 propagation, judicature, etc."

17 Now we shall present to the Tribunal proceedings
18 of the Second Conference of the Kwantung Army Information
19 Department called in Harbin on June 16, 1943. As
20 the document shows, this conference was conducted by
21 Major General Doi, Chief of the Information Department.
22 We shall prove by this document that the war of sabo-
23 tage against the U. S. S. R. was continued by Japan
24 even in 1943, when Japan had already been bound with
25 the U. S. S. R. by the Neutrality Pact.

1 We shall offer in evidence four documents
2 dated June 16, 1943, which I request to admit on the
3 usual terms: First, prosecution's document No. 1962,
4 under the title of "Instructions Pertaining to the
5 Sabotage Activities for Education and Training for
6 the Year of Showa (1943)."

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Prosecution's document
9 No. 1962 will receive exhibit No. 737.

10 (Whereupon, the above-mentioned
11 document was marked prosecution's exhibit
12 No. 737 and received in evidence.)

13 COLONEL IVANOV: Second, prosecution docu-
14 ment No. 1956, under the title of "The Directions in
15 Relation to the Guidance of the White Russians."

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution's document
18 No. 1956 will receive exhibit No. 738.

19 (Whereupon, the above-mentioned
20 document was marked prosecution's exhibit
21 No. 738 and received in evidence.)

22 COLONEL IVANOV: Third, prosecution docu-
23 ment No. 1971, under title of "Plan for Carrying out
24 the Training of White Russian Youths in the Special
25 Immigration Settlements. Kharbin Special Service

Agency."

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's document
3 No. 1971 will receive exhibit No. 739.

4 (Whereupon, the above-mentioned
5 document was marked prosecution's exhibit
6 No. 739 and received in evidence.)

7 COLONEL IVANOV: Fourth, document No. 1957,
8 under the title of "The Principles of the Japanese
9 Propaganda Campaign against Outer Mongolia. Related
10 to the Second Conference of Intelligence Section in
11 1943. Published by the Intelligence Section of the
12 Kwantung Army."

13 THE PRESIDENT: Major Furness.

14 MR. FURNESS: If the Court please, I object
15 to the admission of document No. 1957 on the ground
16 that any plans regarding Outer Mongolia do not show
17 any aggression against Soviet Russia, 1957, document
18 number. It is my understanding that the territory
19 covered by the so-called "Peoples Republic of Outer
20 Mongolia," was part of the territory under the
21 sovereignty of China, and that China protested the
22 stationing of Russian troops and the so-called
23 alliance of aggression by Russia against China, and
24 not by aggression of Japan against China; and that
25

1 the Peoples Republic was in no way recognized by
2 China until the summer of 1945.

3 THE PRESIDENT: Well, they do not touch
4 admissibility. You are dealing really with final
5 facts and not preliminary facts for the purpose
6 of determining the question of evidence.

7 MR. FURNESS: My point is, sir, that they
8 show no aggression against the Soviet Republic,
9 which proof is now being offered; that the mere fact,
10 even if it was a republic that Russia was in alliance
11 with, does not make it aggression against Russia.

12 THE PRESIDENT: One of my colleagues points
13 out that page 2 of the document shows prima facie its
14 purpose against Russia.

15 Mr. OKAMOTO.

16 MR. T. OKAMOTO: I should like to ask the
17 prosecution, that of the three documents just pre-
18 sented, exhibit 737 and 738 mention dates; that is,
19 the year 1943. However, exhibit 739 bears no date
20 both in the English and the Japanese text. I should
21 like to have the prosecution give the exact date --
22 clarify the date in the document just referred to.

23 THE PRESIDENT: We ask that dates be sup-
24 plied in all cases if they are available.

25 The objection by Major Furness is overruled.

1 The document is admitted.

2 CLERK OF THE COURT: Prosecution document
3 No. 1957 will receive exhibit No. 740.

4 (Whereupon, the above-mentioned
5 document was marked prosecution's exhibit
6 No. 740 and received in evidence.)

7 THE PRESIDENT: We will recess for fifteen
8 minutes.

9 (Whereupon, at 1048, a recess was
10 taken until 1103, after which the proceedings
11 were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Colonel Ivanov.

4 COLONEL IVANOV: If the Tribunal please, I
5 shall read short excerpts from these documents.

6 The first document, No. 1962, exhibit No. 737,
7 "Instructions pertaining to the Sabotage Activities
8 for Education and Training for the year of Showa (1943)."

9 I quote page 1:

10 "June 16, 1943. Kwantung Army Intelligence
11 Department.

12 "The Sabotage Activities education and train-
13 ing for the 18th year of Showa (1943) should be based
14 on this direction.

15 "June 6, 1943.

16 "Chief of the Intelligence Department,

17 "Kwantung Army, DOI, Akio."

18 Paragraph 1 under the title of "General Rule,"
19 reads as follows:

20 "I. General Rule.

21 "This direction is based on the Kwantung Army
22 Headquarters Educational directions of this 18th year
23 of Showa (1943) for the special corps with consideration
24 of the results obtained from the previous trainings."

25 I quote document No. 1956, exhibit No. 738:

1 "The directions in relation to the guidance
2 of the White Russians."

3 This document stamped "Top Secret" also per-
4 tains to the documents of the Second Conference of the
5 Kwantung Army Intelligence Department. The following
6 is said in paragraph 1 of this document. I quote the
7 last paragraph on page 1:

8 "Whether they are men or women or whether they
9 wish it or not, the White Russians shall be used power-
10 fully and to the maximum degree for the war with the
11 Soviet Union, especially for the secret war with the
12 Soviet Union."

13 As far as document No. 1971, exhibit No. 739,
14 is concerned, we shall additionally present to the
15 Tribunal the certificate -- we shall present the certi-
16 ficate establishing the date of this document which was
17 in one file with all four documents which were presented
18 now concerning the Second Conference of the Kwantung
19 Army Intelligence Department.

20 I quote prosecution document No. 1971, exhibit
21 No. 739:

22 "Top Secret.

23 "Plan for carrying out the training of White
24 Russian Youths in the special immigration settlements,
25 Kharbin Special Service Agency."

1 This document proves that the training of the
2 whiteguard youth in special settlements, organized in
3 Manchuria by the Japanese, was paid for out of the
4 Japanese state budget. The following is said in
5 chapter 8, "Funds Necessary for Training," page 4,
6 paragraph 2:

7 "As a rule the funds for subsidizing special
8 settlers and for training will be used to meet the
9 expenses for personnel, equipment, training materials
10 and other sundry expenses; the Commandant of the Harbin
11 Special Duties Organization will be responsible for
12 checking and apportioning the expenditures of these
13 funds. Other measures in addition to this budget may
14 be taken with the permission of the commandant when
15 recognized as being especially necessary."

16 I quote document No. 1957, exhibit 740: "The
17 Principles of the Japanese Propaganda Campaign against
18 Outer Mongolia." I repeat the title: "The Principles
19 of the Japanese Propaganda Campaign against Outer
20 Mongolia."

21 I quote an extract from the second part of the
22 document, page 1, last paragraph:

23 "Section II. Propaganda Measures Against
24 Outer Mongolia."

25 I quote item 1:

1 "The ultimate objective of propaganda in
2 Outer Mongolia is positively to induce the Outer Mongol-
3 ians to become anti-Soviet, that is, to cooperate with
4 Japan, and in attaining this final objective the propa-
5 ganda work shall go through something like the following
6 steps:

7 "First stage: Frustration of public confidence
8 in the present government.

9 "Second stage: Opposition of the military and
10 the populace against the present government.

11 "Third stage: Estrangement from and resistance
12 against the Soviet Union, that is, cooperation with
13 Japan."

14 The following results of the propaganda are
15 given for the third state. I quote:

16 "1. Numerous riots and revolts.

17 "2. Birth of an autonomous government under
18 the leadership of the Japanese Army.

19 "3. War against Russia.

20 In the last vertical column, the following is
21 pointed out as the final result. I quote: "Outbreak
22 of a Russo-Japanese war at a certain time. "

23 If the Tribunal please, we wish now to conduct
24 direct examination of the witness KAWABE, Torashiro,
25 and cross-examination.

KAWABE

DIRECT

1 T O R A S H I R O K A W A B E, called as a witness.
2 on behalf of the prosecution, being first duly
3 sworn, testified through Japanese interpreters
4 as follows:

5 DIRECT EXAMINATION

6 BY COLONEL IVANOV:

7 Q Mr. Witness, please give your full name.

8 A KAWABE, Torashiro.

9 Q How old are you?

10 A Fifty-six.

11 Q What position did you hold in 1932 during
12 your stay in the Soviet Union?13 A Military Attache, Japanese Embassy, in Soviet
14 Russia.15 Q What position did you hold from April to
16 September, 1945, in the Japanese General Staff?

17 A Assistant Chief of the General Staff.

18 Q What was your last rank in the Japanese Army?

19 A Lieutenant General.

20 Q Mr. Witness, I present to you prosecution
21 document No. 2661, which is an affidavit in the Japanese
22 language. Please consider this document and tell the
23 Tribunal whether you wrote and signed this affidavit
24 yourself.

25 A Yes.

KAWABE

DIRECT

1 Q Is everything written by you in this affidavit
2 true and correct?

3 A Yes.

4 COLONEL IVANOV: If the Tribunal please, I
5 present in evidence prosecution document 2661, the
6 affidavit of KAWABE, Torashiro.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Prosecution's document
9 No. 2661 will receive exhibit No. 741.

10 (Whereupon, the document above
11 referred to was marked prosecution's exhibit
12 No. 741, and was received in evidence.)

13 COLONEL IVANOV: Now I shall read the affida-
14 vit of KAWABE, Torashiro. I quote:

15 "I, Torashiro KAWABE (age 56) hereby state
16 under oath as follows:

17 "1. I served as a military attache to the
18 Japanese Embassy in Moscow from January 1932 to March
19 1934.

20 "2. I admit that the five sheets of documents
21 which were shown to me represent photographic copies
22 of the original of the report which was written in my
23 own handwriting and sent to the General Staff Office
24 at Tokyo from Moscow on 14th July, 1932. I affixed my
25 signature on the back of each photographic copy which

KAWABE

DIRECT

1 I recognized.

2 "I admit that the date of dispatch of these
3 documents coincides with the date of the photographic
4 copy of the envelope.

5 "3. I admit that the other four photographic
6 copies which were shown to me are the copies of the
7 original of the record which Lieutenant-Colonel
8 KASAHARA of the General Staff Office had Lieutenant-
9 Colonel KANDA transmit to me in Moscow on 10th July,
10 1932. The first page of the said four is a copy of my
11 own handwriting, but I think the other three are
12 probably copies of the record written by YAMOKA who
13 was my assistant.

14 "To certify the foregoing, I affixed my signa-
15 ture of my recognition on the back of the first sheet
16 of the photographic copies of the documents.

17 "Torashiro KAWABE."

18 BY COLONEL IVANOV (Continued):

19 Q Mr. Witness, I present to you prosecution
20 document No. 1991. This document has been submitted
21 to the Tribunal and has been given exhibit No. 701.
22 Please consider this document and tell the Tribunal
23 what you make of it.

24 A I say that these documents contain opinions
25 which I entertained at that time and which I reported

KAWABE

DIRECT

1 to the central army authorities in Tokyo.

2 Q Mr. Witness, please tell the Tribunal, is
3 the original of this document written in your own
4 hand, and did you, yourself, make inscriptions on the
5 back of each page of the photo copy of this document?

6 A Yes, it is exactly as you have asked.

7 Q What inscriptions, Mr. Witness, did you make
8 on the back of page 1 and 2 of the photo copy of this
9 document?

10 A I acknowledge that these photo copies bear the
11 handwriting of myself, KAWABE, Torashiro, dated
12 September 3, 1946. Also, on another document I recog-
13 nize this photo copy as my own handwriting, KAWABE,
14 Torashiro, dated September 3, 1946.

15 RUSSIAN INTERPRETER: Correction. Colonel
16 Ivanov is correcting himself.

17 Q Mr. Witness, I present to you prosecution
18 document No. 1654. This document has been submitted
19 to the Tribunal, and has been given exhibit No. 702.
20 Please consider this document and tell the Tribunal
21 what you make of it.

22 A This is a photographic copy of the notes of
23 matters which were transmitted to me by Lieutenant
24 Colonel KANDA when he was passing through Moscow at
25 that time.

KAWABE

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1 Q Mr. Witness, please tell the Tribunal, is
2 that which is written on pages 1 and 2 by your assist-
3 ant true and correct?

4 A It is the truth that my assistant made this
5 record.

6 Q Mr. Witness, I present to you prosecution
7 document No. 2660. This document is an affidavit in
8 the Japanese language. Please tell the Tribunal
9 whether you wrote and signed this affidavit yourself.

10 A All that you said is true.

11 Q Mr. Witness, is everything stated in your
12 affidavit true?

13 A Yes, the truth.

14 COLONEL IVANOV: I present to the Tribunal
15 prosecution document -- correction: I present in evi-
16 dence prosecution document 2660, the affidavit of
17 KAWABE, Torashiro.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Prosecution's document
20 No. 2660 will receive exhibit No. 742.

21 (Whereupon, the document above
22 mentioned was marked prosecution's exhibit
23 No. 742 and received in evidence.)

24 COLONEL IVANOV: We present this document to
25 prove that the Commander of the Japanese General Staff

KAWABE

DIRECT

1 permitted the destruction of all secret documents
2 after the surrender of Japan in 1945.

3 THE PRESIDENT: Major Blakeney.

4 MR. BLAKENEY: I object to the characteri-
5 zation of this document by the prosecutor and sug-
6 gest that it proves whatever it proves and that it
7 be allowed to speak for itself.

8 THE PRESIDENT: I don't think that the
9 prosecutor infringed the fair bounds of comment or:
10 description.

11 COLONEL IVANOV: If the Tribunal please, I
12 shall read the contents of this affidavit.

13 "I, Torashiro KAWABE (56 years old), state,
14 under oath, as follows:-

15 "1. I, Lieutenant-General Torashiro KAWABE,
16 was the Deputy Chief of General Staff from April 1945
17 till October of the same year. At that time the Chief
18 of General Staff was General Yoshijiro UMEZU.

19 "2. The decision concerning the surrender
20 was made by His Majesty the Emperor on August 13, 1945.
21 On August 14, 1945, the decision concerning the sur-
22 render was communicated to the Allied Powers by radio.
23 The formal signature of surrender was made by Japan-
24 ese representatives on September 2, 1945.

25 "3. All of the secret and top-secret docu-

KAWABE

DIRECT

1 ments and records of the General Staff had been burned
2 in Tokyo during the time from August 13, 1945 until
3 the day we received from the Allied Powers the orders
4 prohibiting the burning of documents.

5 "Among the documents burned were documents
6 of mobilization plans, military operation plans, and
7 the documents referring to the guidance of the war, as
8 well as records of Supreme War Council.

9 "At that time the burning of secret and top-
10 secret documents was done by persons whose ranks were
11 lower than those of the chiefs of sections of the
12 Army General Staff.

13 "Then the documents were burned, General
14 UMEZU, Chief of Army General Staff, was in Tokyo.

15 "I do not know whether or not any written
16 or oral orders were issued concerning the destruction
17 of all documents of the Army General Staff office.

18 "Furthermore, I do not know whether or not
19 any documents of Japanese General Staff have been
20 concealed.

21 (Signed) Torashiro KAWABE"
22
23
24
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KAWABE

CROSS

1 We have finished the direct interrogation
2 now, and if the defense wishes to cross-examine the
3 witness they may conduct their cross-examination.

4 THE PRESIDENT: Perhaps the description of
5 what the affidavit contains was somewhat exaggerated
6 in the remarks of the prosecutor, having read the
7 affidavit.

8 Dr. KIYOSE.

9 CROSS-EXAMINATION.

10 BY DR. KIYOSE:

11 Q A little while ago, Mr. Witness, you con-
12 firmed the fact that exhibit 702 was a notation of
13 knowledge which had been communicated to you by
14 Lieutenant Colonel KANDA. From whom was the matter
15 communicated?

16 A This was communicated to me from Major
17 KASAHARA -- Lieutenant Colonel KASAHARA.

18 Q Does this pertain to the fact that the de-
19 cision was publicly made by the authorities in Tokyo
20 or was it KASAHARA's personal view?

21 A I do not believe that they were the indivi-
22 dual opinions, the personal opinions of KASAHARA.
23 But, I do not recollect -- I have no recollection
24 whether or not he clearly stated that such a policy
25 had been officially established in Tokyo.

KAWABE

CROSS

1 Q Was this plan later carried into effect?

2 A I believe that it was carried into effect
3 step by step.

4 Q From when to when?

5 A I cannot state the dates clearly.

6 Q Mr. Witness, you testified about sending a
7 report from Moscow to Japan. Now, in the last analy-
8 sis, does it mean to carry the plan into effect or
9 to make preparation?

10 A The opinion which I sent to central army
11 authorities from Moscow contained -- I sent it with
12 the hope that the central army authorities would act
13 in accordance with such a policy.

14 Q I am asking you, Mr. Witness, whether the
15 whole idea of yours was limited to preparation or
16 not.

17 A I am afraid that the questions that you are
18 asking me are somewhat different from what I have
19 been thinking about just now.

20 THE PRESIDENT: You must answer the ques-
21 tions if you can, no matter how little thought you
22 may have given to them. But you may ask for time
23 to consider.

24 A (Continuing) The opinions which I sent
25 from Moscow were largely a matter of principle, and

KAWABE

CROSS

1 I had no idea -- special idea of carrying it out
2 immediately into effect. However, I should like to
3 be shown the document if such a thing is possible, and
4 I would like to answer -- give a true and correct
5 answer regarding this point, if I may.

6 DR. KIYOSE: Mr. President, may that docu-
7 ment be shown the witness?

8 THE PRESIDENT: If you so desire.

9 (Whereupon, a paper was handed to
10 the witness.)

11 THE PRESIDENT: What is the number of the
12 exhibit he is looking at?

13 CLERK OF THE COURT: 702.

14 THE WITNESS: This document is the wrong
15 document. The number on it says prosecution No.
16 1654.

17 THE PRESIDENT: He is now looking at
18 exhibit 701.

19 THE WITNESS: On re-reading the document,
20 I find that I sent this -- that this document was my
21 opinion on the line of policy to be adopted as a
22 whole, and I cannot definitely state to you whether
23 my opinion was concerned solely with the preparation
24 or with the preparation and the execution of such
25 plan against the Soviet Union.

KAWABE

CROSS

1 Q The main point is to be found in the
2 latter part of this document, with respect to
3 policy vis-a-vis the Soviet Union. In this part
4 of the document he said that for the time being the
5 strength should be exercised with respect to Soviet
6 Russia and that Japan should not initiate or take
7 any action which would lead to a conflict with that
8 country. That is why I ask you, Mr. Witness, that
9 here as well as in other passages your purport was
10 that no plan should be carried into execution for
11 the time being and that it was the better part of
12 wisdom to exercise restraint and to prepare in the
13 more mental or spiritual sense.

14 A Now I understand the purport of your ques-
15 tion. As you have said, the purport of my opinion
16 was that in case either the government or the army
17 should carry out into execution plans against the
18 Soviet Union, as a matter of principle, I asked that
19 our side should do nothing to bring about a Soviet --
20 war with the Soviet Union, and that we should not
21 pursue any policy with such a view in end.

22 THE MONITOR: To pursue any policy such as
23 would stimulate the Soviet Union.

24 DR. KIYOSE: That concludes my cross-
25 examination. The cross-examination will be contin-

KAWABE

CROSS

1 ued by the counsel for the accused UMEZU.

2 MR. MIYATA: I am MIYATA, counsel for the
3 accused UMEZU. With the permission of the Tribunal,
4 I should like to ask some questions on the basis of
5 exhibit No. 742, prosecution document No. 2660.

6 CROSS-EXAMINATION (Continued)

7 BY MR. MIYATA:

8 Q In your affidavit you have stated that the
9 decision to surrender was arrived at on the 13th of
10 August, 1945 in accordance with his Majesty's decision
11 and that, later, documents belonging to the General
12 Staff office were burned. By whose orders were these
13 various documents destroyed?

14 A Concerning the burning of these documents,
15 I, myself, as Vice Chief of the General Staff, re-
16 ceived no direct orders from the Chief of the General
17 Staff, General UMEZU.

18 May I continue? Also, neither did I order
19 the burning of these documents to my subordinates.

20 Q Then may I take it that your reply means
21 that the destroying of the documents was not carried
22 out under the orders of the Chief of the General
23 Staff nor under the orders of you, as Vice Chief of
24 the General Staff?

25 A It is as you say.

KAWABE

CROSS

1 Q In your affidavit you say that secret and
2 other documents had been destroyed under orders of
3 section chiefs or those of lesser rank. Now, did
4 these men destroy these records by their own private
5 decision, or did they have any legal grounds or legal
6 authority to carry out such an action, or were they
7 permitted to do so by departmental regulations?

8 A The truth of the matter is as follows.

9 THE PRESIDENT: We will take the remainder
10 of the answer after lunch. We will adjourn now
11 until half past one.

12 (Whereupon, at 1200, a recess was
13 taken.)

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AFTERNOON SESSION

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2 The Tribunal met, pursuant to recess, at 1330.

3 MARSHAL OF THE COURT: The International
4 Military Tribunal for the Far East is now resumed.
5

6 THE PRESIDENT: Counsellor MIYATA.

7 BY MR. MIYATA (Continued):

8 Q Will you reply to my last question? If you
9 do not recall I shall repeat my question.

10 A Please repeat it.

11 Q You stated that the order for destroying
12 documents was issued neither by the Chief of Staff
13 nor by you as Vice Chief of Staff; however, in your
14 affidavit you state that section chiefs and other
15 officers under them had these documents burned. Now,
16 if so, in such cases of emergency are there any de-
17 partmental regulations or custom which would permit
18 men of such rank of section chief or division chief
19 to destroy these records? I should like you to
20 explain the facts with respect to this question.

21 A According to peacetime -- according to normal
22 business regulations of the General Staff office they
23 should have waited for an order from me, the Deputy
24 Chief of Staff, before ordering such documents burnt.
25 That is, because under the regulations -- under the

KAWABE

CROSS

1 administrative regulations of the General Staff
2 office -- administrative matters were under my
3 jurisdiction -- were under the jurisdiction of the
4 Deputy Chief of Staff -- and therefore in normal
5 times the Chief of Staff -- the Deputy Chief of
6 Staff -- should give such orders. The reason why the
7 section chief ordered the burning of those documents
8 at that time, however, is that they believed that
9 that time was the time to apply the field manual --
10 the regulations of the field manual -- which regulate
11 actions to be taken on the field. That is because at
12 that time --

13 MR. BROOKS: If the Court please, we are not
14 getting this at all on our transmission. The last
15 part, we did not get at all.

16 A (Continuing) That is because at that time
17 the situation was most unfavorable and we could see
18 that a grave crisis was approaching; that is to say,
19 we even felt that American and Red Army parachute
20 divisions might land on the General Staff office and
21 occupy the Imperial Headquarters. It was in such a
22 tense atmosphere that the burning of these documents
23 was carried out. Therefore, because I was occupied
24 with -- extremely busy with -- other matters at the
25 time the section chiefs believed that it was not a

KAWABE

CROSS

1 matter with which I should be bothered and because of
2 the training which they had received in ordinary times
3 that important documents must not be handed over to
4 the enemy and because of their conviction in this re-
5 spect, they carried out the burning of the documents
6 arbitrarily. This is the situation at the time in
7 the General Staff office and as for the situation in
8 the regiments throughout Japan, instructions from the
9 War Ministry were sent out at almost the same time to
10 destroy all documents. Later when an order came
11 from the Allied Supreme Command prohibiting the burning
12 the destruction of documents -- this order was trans-
13 mitted to all remaining army units. I conclude.

14 Q Then, Mr. Witness, may I interpret your
15 statement in the following manner: that the burning
16 of the documents was compelled by the critical situa-
17 tion or emergency existing at that time?

18 A Please do so.

19 Q One more, Mr. Witness: The destroying of the
20 documents did not start on the 13th of August but step
21 by step as the military situation became unfavorable
22 and critical. May I take your statement -- that is
23 the way I understand.

24 THE MONITOR: A slight addition: When the
25 military situation became unfavorable on the 7th and

KAWABE

CROSS

1 8th they began to burn the documents and gradually it
2 reached up to the point where you stopped; is that
3 right?

4 A I am sorry, I can give you no definite reply
5 concerning the date on which the burning began. I
6 understand that it was around the time when the Emperor
7 made his decision but I can give you no definite reply.

8 Q Just one more, Mr. Witness: In your affidavit
9 you state that at the time the documents were destroyed
10 General UMEZU, Chief of the General Staff, was in Tokyo.
11 At such a critical time can you tell me something about
12 UMEZU's movements? What kind of movements, please?

13 A At the time, although my room was next to
14 the room of the Chief of Staff, there were days on
15 which I was unable to see him at all for the entire
16 day. That gives you an idea of how busy he was attend-
17 ing conferences either at the Palace or of the Supreme
18 Council for the direction of the war.

19 MR. MIYATA: This concludes my cross-examination.

20 THE PRESIDENT: Major Furness.

21 CROSS-EXAMINATION (Continued)

22 BY MR. FURNESS:

23 Q General KAWABE, you have testified that in
24 1932 you were military attache of Japan at Moscow. As
25 such you were under the General Staff, were you not?

KAWABE

CROSS

1 A I was under the direct control of the General
2 Staff office.

3 Q I show you exhibit 702 and ask you to inspect
4 the first page of that exhibit. I think you have tes-
5 tified that that writing on that first page was in your
6 own handwriting; is that correct?

7 A The first page is in my handwriting.

8 Q What does it say?

9 A "Message from KANDA - (July 25) -- On August
10 15 there was a communication"--

11 Q I think you must have the wrong page. Are
12 you sure that is the first page?

13 THE INTERPRETER: The witness also said that
14 the rest of the page is illegible.

15 Q It may be the cover.

16 A Yes, that's right.

17 Q I want you to look at the original of the
18 cover and tell us what it says.

19 A The first page of the original?

20 Q Yes.

21 A I did not write the first page of the original.
22 I take back my former -- what I said before. I wrote
23 only the cover of the original.

24 Q What does the cover say?

25 A "A message of Lieutenant Colonel KANDA (July

KAWABE

CROSS

1 15) -- On August 16 KAWABE out of necessity" -- After
2 that the rest is illegible.

3 Q The original had more writing on it, did it
4 not -- the original of which that is a photostatic copy?

5 A I have no clear recollection but gathering
6 from the general purport of the whole, I believe that
7 there was nothing else besides that.

8 Q Does it not appear from that photostatic
9 copy that parts of the original were covered when the
10 photostatic copy was made -- when the photograph was
11 made?

12 A I am sorry. I am unable to gather anything
13 from this document.

14 Q Do you know what year the August 16 refers
15 to?

16 A I believe it was the 7th year of Showa, 1932.

17 Q You do not know what the writing means, do you?

18 A I do.

19 MR. FURNESS: That is all.

20 There will be no further cross-examination
21 by the defense.

22 MR. GOLUNSKY: There will be no redirect.

23 THE PRESIDENT: No re-examination.

24 Colonel Ivanov.

25 The witness is released on the usual terms.

KAWABE

CROSS

1 MR. FURNESS: If the Court please, I thought
2 the witness said, "No." He said, apparently, "Yes, I
3 know," and I thought he said, "No."

4 THE PRESIDENT: I understood him to say,
5 "Yes, I know," and I was wondering why a further
6 question was not put but it was not for me.

7 MR. FURNESS: I would be glad to have him
8 recalled, sir.

9 (Whereupon, the witness resumed the
10 stand.)

11 THE PRESIDENT: Take your seat. You are still
12 on oath.

13 BY MR. FURNESS (Continued):

14 Q You have testified that you know what the
15 writing means. What did it mean? I am referring now
16 to the cover from which you just read, stating that
17 parts of it you could not read. If you would like to
18 see it again I will have the Clerk hand it to you.

19 What does that writing on the cover mean?

20 A It is a message from Lieutenant Colonel KANDA.
21 dated the 15th of July. After that some words follow
22 but it is difficult for me to understand what they
23 mean. I have been trying to think what they mean but
24 I have no recollection and it is difficult for me to
25 make any suppositions at this late date.

KAWABE

1 MR. FURNESS: That is all the cross-examination
2 of this witness.

3 THE PRESIDENT: He has not thrown any light
4 on it.

5 MR. FURNESS: We request that the prosecution
6 furnish us with the original of which this is a photo-
7 static copy.

8 THE PRESIDENT: Minister Golunsky.

9 MR. GOLUNSKY: We have no original at our
10 disposal. We have only the photostatic copy.

11 THE PRESIDENT: I take it you mean the original
12 is not in Japan. If we require its production, we will
13 say so.

14 MR. GOLUNSKY: If the Tribunal please, the
15 document was procured by the Intelligence Service and
16 I am afraid that in Russia we also have nothing but a
17 photostatic copy.

18 THE PRESIDENT: I do not know just what it
19 means, Minister Golunsky, but if the prosecution in
20 any case use a document they cannot claim security for
21 its nonproduction. However, if my colleagues require
22 the document, I shall say so. For the time being they
23 are not asking for it.

24 My colleagues draw my attention to the
25 certificate attached to this particular photostatic

KAWABE

1 copy. In the certificate it says that the original
2 is in the archives of the Department of the Red Army,
3 Chief Military Prosecution, Moscow.

4 MR. GOLUNSKY: If I understand correctly,
5 this inscription means that the original photograph
6 is in the archives, but if the Tribunal does want a
7 more definite certificate I can try to get one.

8 THE PRESIDENT: For the time being the
9 Tribunal is satisfied to point out the facts as
10 stated in the prosecution's document.

11 Colonel Ivanov.

12 COLONEL IVANOV: There is no redirect
13 examination. The witness may be lead out of the Court.

14 THE PRESIDENT: The witness is released on
15 the usual terms.

16 ("hereupon, the witness was excused.")

17 COLONEL IVANOV: We shall present to the
18 Tribunal the affidavits of the persons who know well
19 the activities of the Japanese military mission in
20 Manchuria and actually participated in them.

21 If the Tribunal please, I shall quote
22 excerpts from prosecution document No. 2364, exhibit
23 No. 730, which has earlier been submitted to the
24 Tribunal. The affidavit of K. V. Rodzaevsky, former
25 head of the White Guard organization in Manchuria,
the Russian Fascist Union.

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1 COLONEL IVANOV: I quote from his affidavit
2 (page 9, paragraph 5):

3 "A. The Japanese had great faith in the
4 whiteguards, who lived in Manchuria, in connection
5 with the preparation for an attack against the U.S.S.R.
6 and therefore tried to activize the anti-Soviet activi-
7 ties of the whiteguards. It was planned that during
8 the war against the Soviet Union the whiteguards would
9 be used as armed force, and after the end of the war
10 successful for Japan, they were to carry out Japanese
11 policy in the areas annexed from the U.S.S.R. The di-
12 rection of the Anti-Soviet activities of the white-
13 guards organizations was carried out by the Japanese
14 military missions, which in their turn were directed
15 by the chief Japanese military mission in Kharbin.

16 "Besides the whiteguard organizations were
17 supported from Japan itself.

18 "General ARAKI and General KOISO personally
19 promised me to render any help in activizing the anti-
20 Soviet work of the 'Russian Fascist Union.'

21 "The 'R.F.S.' was also supported by the Japa-
22 nese organization 'The Black Dragon' headed by Mitsuru
23 TOOYAMA."

24 I omit several paragraphs and quote further:

25 page 10:

1 "You can judge of the role for which the
2 Japanese prepared the whiteguards by the statements
3 made by the chief of the Kharbin Military mission,
4 General DOI, in the talk which took place in December
5 1943 in the train going from Kharbin to the Sungari 2
6 station, to which went in connection with the so-called
7 Sungari Russian Military detachment being formed there,
8 told me that 'Bureau of the Russian Emigrant's Affairs'
9 created by the Japanese must consider itself to be a
10 future Russian Government.

11 "In several talks which I had in 1934 with
12 Major AKIKUSA, assistant chief of the Japanese Mili-
13 tary mission, he told me that Japan was preparing for
14 a war against the U.S.S.R. and in connection with this
15 recommended to me to consolidate contact with SEMENOV,
16 a whiteguard ataman, whom the Japanese considered
17 chief of whiteguard emigrants, and whom they proposed
18 as a leader of future 'National Government of Russia.'"
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1 I again omit several paragraphs and continue to quote
2 page 10, paragraph 6:

3 "In 1934 the Japanese military mission in
4 Kharbin decided to unite all whiteguard organizations
5 for the purpose of establishing centralized guidance
6 of their activities against the U.S.S.R. In the same
7 year the Bureau of Russian Emigrants Affairs in the
8 Manchuria Empire was created as a united body of all
9 those organizations. It was subordinated to the Ja-
10 panese Military Mission in Kharbin.

11 "Through The Bureau of Russian Emigrants in
12 Kharbin and its branches in other towns in Manchuria,
13 the Japanese Military missions recruited whiteguards
14 for the purpose of sabotage activities on the ter-
15 ritories of the Soviet Union.

16 "A special detachment was recruited in 1936
17 from the members of the 'Russian Fascist Union' ac-
18 cording to the proposal made by SUZUKI, a Japanese
19 intelligence officer of the Kharbin Mission. This
20 Detachment was placed under the command of MATVEY
21 PLATONOVICH MASLAKOV, a whiteguard, my aide.

22 "This detachment armed and equipped by the
23 Japanese was in the Autumn of the same year smuggled
24 across the Amur River onto the Soviet Union Territory
25 for the purpose of terrorist and sabotage activities

1 and also for the establishment of fascist underground
2 organizations. The smuggling was carried out by
3 SUZUKI and by ENOZUKA, a member of the Japanese mili-
4 tary mission in Kharbin.

5 "In the same year, i.e. 1936, and in the
6 following years many other agents trained in the Ja-
7 panese Military Mission were smuggled into the Soviet
8 Union.

9 "In 1937 the so-called secret schools were
10 organized at the 'Russian Fascist Union' and 'Mon-
11 archist Union' in accordance with the order of
12 Major ONOUCHI, chief of the 3rd Department of the
13 Japanese Military mission in Kharbin. These schools
14 trained future organizers of sabotage activities
15 in the U.S.S.R. rear.

16 "I was appointed director of the school at
17 the 'Russian Fascist Union'. SUZUKI was my assis-
18 tent. Those who graduated from the schools were
19 sent to work in the Japanese Military Missions.

20 "In 1938 instead of secret schools the
21 Kharbin Military Mission established a special school
22 at the mission training agents for reconnaissance
23 work directed against the U.S.S.R. In this school
24 were trained the organizers of anti-Soviet propaganda
25 who later on would work in Japanese missions in the
frontier area."

1 I again omit several paragraphs and re-
2 sume reading from page 12, paragraph 7.

3 "In 1938, the Kharbin Military mission es-
4 tablished at the Sungari Station 2 a secret 'Russian
5 Detachment Asano' in which the white guard youth
6 were trained for a war against the USSR.

7 "This detachment was considered by the Jap-
8 anese as a model of all anti-Soviet formations.

9 "General HATA, chief of the Japanese Mili-
10 tary Mission in Kharbin while inspecting this detach-
11 ment said to its members that they formed the back-
12 bone of the future Russian Army.

13 "I, personally, several times visited the
14 'ASANO DETACHMENT' to give anti-Soviet lectures. In
15 1939, several men of the detachment participated in
16 the Japanese provocation in the Nomangan area.

17 "In 1943 the 'Asano detachment' was en-
18 larged and transformed into 'Russian detachments of
19 the Manchurian Army'. In view of this three detach-
20 ments were formed; cavalry detachment at the Sungari
21 station, infantry detachment at the Handaohedzy
22 station and a cossack detachment at the town of
23 Hailar."
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25

1 COLONEL IVANOV (Continuing): If the
2 Tribunal please, I shall draw their attention to
3 the fact that SUZUKI, who is mentioned in the affi-
4 davit of Rodzaevsky, is not the same SUZUKI who is
5 sitting in the dock here.

6 THE PRESIDENT: Mr. McManus.

7 MR. McMANUS: If the Court pleases, I would
8 like to say we find it very difficult and very
9 confusing in trying to keep up with all these docu-
10 ments here, and particularly when they are referred
11 back to and given identification numbers and exhibit
12 numbers; and so I hope that the Tribunal will bear
13 with me insofar that I had a little difficult time
14 in locating this document.

15 I understand that the prosecution just re-
16 ferred to exhibit No. 730. I also call your Honor's
17 attention to the fact that on page 3 of the English
18 translation in the third paragraph therein which has
19 been quoted by the prosecutor there is a half-sentence.
20 I am sorry. It is the fourth paragraph. I know, of
21 course, your Honor's ruling on excerpts, and I am
22 also aware of the fact that your Honor ruled that the
23 complete sentence must be given if any excerpts are
24 going to be admissible. I object to the reading of
25 these documents of half-sentences, and I ask your Honor,

1 even if the whole sentence is permitted, why, I
2 would like to find out whether or not in the second
3 paragraph on page 3 and also in the fourth paragraph
4 on page 3 insofar as the witnesses are not here,
5 whether or not the publication is going to be produced
6 by the prosecution or the album which has not been
7 read and referred to is going to be produced by the
8 prosecution; and, if not, I would like to request
9 that it be granted to me.

10 MR. GOLUNSKY: The objection of the learned
11 counsel is somewhat premature. This part of the
12 affidavit has not yet been read, and when I verified
13 during the recess what Colonel Ivanov intended to read,
14 I instructed him to read this whole part of the
15 affidavit; so, if the learned counsel would have
16 waited for ten minutes, he would have saved the time
17 for the objection.

18 MR. McMANUS: If your Honor pleases, I know
19 the affidavit is in evidence, and it has been referred
20 to on many occasions, and I do not understand Russian,
21 with all due respect to the Court.

22 THE PRESIDENT: The case appears to be presented
23 with logical sequence, to say the least, and I think
24 that accounts for the order in which the exhibits
25 have been tendered.

1 Coming to the second objection, the particu-
2 lar sentence is not a simple sentence, but a compound
3 sentence, and the second part may well be left out.
4 If included, it does not seem to help the defense;
5 on the contrary, it is against them.

6 COLONEL IVANOV: I skip one paragraph and
7 continue reading, page 3:

8 "During my second visit to Tokyo in March,
9 1939 for the purpose of establishing connection with
10 the representatives of governmental circles of Japan
11 as regards 'The Russian Fascist Union', I again met
12 ARAKI who at that time was Minister of Education.

13 "Being at my request received by him in the
14 premises of the Ministry of Education I informed
15 ARAKI in brief about the work of the 'Russian Fascist
16 Union' and told him about the prospects of this work.

17 "ARAKI promised to help us as before, and
18 wrote in my album his autograph: 'An eternal friend
19 of Russia, but not of the Soviets' as a token of his
20 intention to fight to the end for the creation of
21 'National Russia' where Japan would have unlimited
22 influence.

23 "General KOISO, the Japanese Minister of
24 Colonies, who from 1933 to 1935 was Chief of the
25 Kwantung Army Headquarters also told me about the

1 aggressive plans of Japan concerning the USSR. I met
2 KOISO twice during my visits to Tokyo.

3 "When I first met him in the Ministry of
4 Colonies in March, 1939 KOISO promised me his
5 support of the anti-Soviet activities of the 'Russian
6 Fascist Union'.

7 "I met him for the second time in October
8 1939 when I came to Tokyo on an excursion organized
9 by the Kharbin Military Mission. KOISO received me
10 in his flat and in our conversation concerning the
11 relations of Japan with the USSR said that Japan
12 strove to drive Soviet Russia from the Pacific Ocean."

13 THE PRESIDENT: Mr. McManus.

14 MR. McMANUS: May I inquire again from you,
15 Mr. President, whether or not the prosecutor intends
16 to produce this publication and also the album; and,
17 if not, may I request a direction from the Court that
18 I might possibly be permitted to see them. I make
19 this request, if the Court pleases, in view of the
20 fact that the witness will not be here.

21 THE PRESIDENT: Mr. Golunsky.

22 MR. GOLUNSKY: If the Tribunal please, the
23 publications referred to in the affidavit of Rodzaevsky
24 were published in Northern Manchuria. As to the
25 personal album of Rodzaevsky in which ARAKI made the

1 inscription, we don't have it at our disposal. We
2 can inquire in Moscow whether it is at the disposal
3 of the Soviet authorities.

4 THE PRESIDENT: Captain Brooks.

5 MR. BROOKS: If the Tribunal please, I would
6 like to call to their attention, I think this is in
7 exhibit 102 of the biographies of General KOISO as
8 placed by the prosecution, that on July 15, 1938
9 the General was attached to the Military General
10 Staff Department, that on July 29, 1938 the General
11 was placed on the reserve list and his active military
12 power terminated as of that date. It will be noted
13 on page 3, the last paragraph refers to General KOISO
14 as the Japanese Minister of Colonies in March, 1939.
15 It will be noted that on the document already placed
16 into evidence by the prosecution that on April 7, 1939
17 KOISO was appointed to the Ministry of Overseas Affairs
18 Department under HIRANUMA, and that he was relieved
19 of this post on August 30, 1939 on his own request.

20 Now if the Court will direct its attention to
21 the top of page 4, exhibit 730, it states that he was
22 met again in October, 1939. I would like to point out
23 to the Court that, on the prosecution's own record, he
24 was not holding any official job in the military or
25 with the government in a position of official capacity

1 at either time of this alleged meeting, that I will,
2 in fact, put evidence forth that meetings never took
3 place as alleged.

4 THE PRESIDENT: Well, your observations about
5 KOISO's position are noted, Captain Brooks.

6 Until the Tribunal directs otherwise, the
7 publications referred to by Mr. McManus, I should
8 say the newspaper and the album are not required by
9 the Tribunal.

10 COLONEL IVANOV: If the Tribunal please, I
11 shall draw their attention to the fact that HATA
12 who is mentioned in Rodzaevsky's affidavit is not
13 the same HATA who is in the dock here.

14 The role played by the Japanese Military
15 circles in recruiting the elements hostile toward the
16 Soviet Union from the white-guard emigrants and in
17 organizing them for the sabotage activities against
18 the U.S.S.R. is confirmed by a number of Japanese
19 military men, who were interrogated as witnesses.

20 I shall quote extracts from prosecution docu-
21 ment No. 2238, exhibit No. 723, which has earlier been
22 presented to the Tribunal, the affidavit of YANAGITA,
23 Genzo, Lieutenant-General, former Chief of the Kharbin
24 Military Mission.

25 YANAGITA stated: I quote page 6, last paragraph:

1 "Q. Did you have anything to do with the
2 White Russians while you were the Commander of the
3 Army Special Service Agency at Harbin?

4 "A. Yes. By orders from the commander of
5 the Kwantung Army, we had to train White Russians as
6 instigators, propagandists, scouts, and saboteurs.
7 White Russian forces were disguised as forces in the
8 Manchurian Army.

9 "Some of the White Russians worked in the
10 Army Special Service Agency, performing propaganda
11 and scouting functions."

12 I quote further page 7.

13 "Q. Was there any school for the training
14 of White Russians as scouts, saboteurs and propagandists
15 at the time you were the Commander of the Army Special
16 Service Agency at Harbin?

17 "A. As I have already stated, by command
18 of General UMEZU, Commander of the Kwantung Army,
19 the Army Special Service Agency was responsible for
20 preparing and training White Russians as future prop-
21 agandists and scouts."

22 YANAGITA in his affidavit gave detailed
23 information on the so-called ASANO detachments.
24 I quote page 8:

25 "Q. What is the ASANO Unit?

1 "A. It is a unit composed of White Russians
2 for sabotage activity.

3 "Q. Tell me by whom it was organized.

4 "A. It was organized by the Kwantung Army
5 Headquarters about 1936 (Showa 11). Lieutenant-
6 Colonel YAMAOKA, as Assistant to the Chief of the
7 Second Section took charge of it.

8 "Q. Was the ASANO Unit still in existence
9 at the time you were the Commander of the Army Special
10 Service Agency?

11 "A. Yes, it was.

12 "Q. Did the Kwantung Army Headquarters know
13 of its existence?

14 "A. Of course. In general, we did nothing
15 without the directions of the Commander of the Kwantung
16 Army. By his command the ASANO Unit was included in
17 Manchoukuo Army. The members wore the uniforms of the
18 Manchoukuo Army.

19 "Q. How many soldiers were there in the
20 ASANO Unit?

21 "A. It was composed of five companies. Most
22 of them were posted in the neighborhood of the Second
23 Sungari Station and the rest in Hengtaohotzu and Hailar.
24 The unit had about 700 soldiers in general.

25 "Q. What was the duty of the ASANO Unit?

1 "A. The duty of the ASANO Unit was to train
2 sabotage units in case of a war against Soviet Union.
3 The commander was Colonel ASANO (a Japanese) of the
4 Manchoukuo Army.

5 "Q. What agencies paid money to it?

6 "A. The Manchoukuo War Ministry paid money
7 until 1941, but it was paid by the Kwantung Army Head-
8 quarters since the special plan of the Kwantung Army
9 manoeuvre ('KANTOKUEN') was drawn up.

10 "Q. Did the Army Special Service Agency
11 store military uniforms of the Soviet Russian Army
12 for the ASANO Unit?

13 "A. Yes, the Special Service Agency had a
14 number of complete sets of the uniform of the Red
15 Army soldiers (military uniform) prepared for the
16 ASANO Unit in case of war.

17 "Q. For what purpose was the military uni-
18 form of Soviet Russian soldiers stored?

19 "A. To have the saboteurs of the ASANO Unit
20 put them on in order to deceive the Red Army."

21 I present to the Tribunal in evidence Pros-
22 ecution document No. 1983, the affidavit of AKIKUSA,
23 Shun, Chief of the Kwantung Army Information Department.
24 The document is offered to prove that Japan widely used
25 the whiteguards for activities hostile towards the U.S.S.R.

1 I would like to respectfully call the
2 Tribunal's attention to the fact that there is a
3 wrong date, February 22, 1945, on the first page.
4 It is an accidental mistake, and as the attached
5 certificates show the interrogation took place on
6 February 22, 1946.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Prosecution's document
9 No. 1983 will receive exhibit No. 743.

10 ("hereupon, the above-mentioned document
11 was marked prosecution's exhibit No. 743 and
12 received in evidence.)

13 COLONEL IVANOV: Speaking on the utilization
14 of the whiteguards, AKIKUSA, Shun stated: I quote
15 his answer on page 9.

16 "A. The Japanese side used the White Russian
17 emigrants as spies, propagandists and saboteurs, and
18 in order to create disturbance in the Soviet Union
19 territory, Japan organized three detachments of the
20 White Russian emigrants at the Second Sungari Station,
21 Hailar and Hengtaohotsu."

22 THE PRESIDENT: That is on page 10 of the
23 English copy.

24 COLONEL IVANOV: I omit answers on other
25 questions and quote further:

city alone must have been

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2 Tribunal's attention to the fact that there is a
3 wrong date, February 22, 1945, on the first page.
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18 in order to create disturbance in the Soviet Union
19 territory, Japan organized three detachments of the
20 White Russian emigrants at the Second Sungari Station,
21 Hailar and Hengtaohotsu."

22 THE PRESIDENT: That is on page 10 of the
23 English copy.

24 COLONEL IVANOV: I omit answers on other
25 questions and quote further:

1 "Q. How were you connected with Russian
2 emigrants while you were an assistant of the Harbin
3 Special Service Agency?

4 "A. I participated in establishing 'the
5 Russian Emigrants Bureau' in Manchoukuo."

6 I omit two paragraphs and quote further:

7 "Q. What was the purpose of 'the Brem' (the
8 Russian Emigrants Bureau) in itself?

9 "A. It consisted in bringing together White
10 Russian Emigrants around Japan for the purpose of
11 widely enforcing anti-Soviet movement."

12 Now I quote page 2, paragraph 3.

13 RUSSIAN MONITOR: Correction: "Page 12,
14 paragraph 3."

15 COLONEL IVANOV (Reading):

16 "Q. What kind of assistance was given to
17 'the Brem' in Harbin by Japan?

18 "A. While I was an assistant of the Harbin
19 Special Mission from 1933 to 1936, 'the Brem' did not
20 receive any financial aid from Japan because it had its
21 own funds, but from about 1937 it began to receive
22 financial aid from the Japanese budget. When 'the Brem'
23 was transferred to the Manchoukuo Government in 1944,
24 the monthly sum of financial aid from Japan in Harbin
25 city alone must have been more than ten thousand yen."

1 My colleague, Major-General Tadevosyan will
2 continue presentation of evidence on the aggressive
3 activities of the Japanese ruling clique and military
4 circles directed against the U.S.S.R.

5 THE PRESIDENT: Mr. Logan.

6 MR. LOGAN: If the Tribunal please, the
7 defense would like to have this witness whose document
8 was just read, exhibit 743, called for cross-examination.

9 THE PRESIDENT: Whereabouts is he, Minister
10 Golunsky?

11 COLONEL ROSENBLIT: He is in Moscow now.

12 MR. LOGAN: May we have his status, if your
13 Honor please, whether he is a prisoner of war, whether
14 he is under trial, or whether his trial has been com-
15 pleted and judgment rendered against him?

16 MR. GOLUNSKY: If the Tribunal please, in
17 order to give the Tribunal absolutely accurate infor-
18 mation, I have sent by telegraph an inquiry about all
19 the Japanese witnesses referred to in our case as to
20 their status at the present time, and as soon as I will
21 get this information, I will submit it to the Tribunal.

22 THE PRESIDENT: The Court will consider
23 Mr. Logan's application.

24 We will recess now for fifteen minutes.

25 (Whereupon, at 1444, a recess was

1 taken until 1501, after which the proceedings
2 were resumed as follows:)
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1 MARSHAL OF THE COURT: The Tribunal is now
2 resumed.

3 THE MONITOR: Before we proceed, the Language
4 Section wishes to make a correction. In the Russian
5 prosecutor's words. He said that the HATA mentioned
6 in the document was not the defendant HATA but it was
7 another HATA. The other HATA should read HATA,
8 Hikosaburo.

9 THE PRESIDENT: General Tadevosyan.

10 GENERAL TADEVOSYAN: Mr. President, Members
11 of the Court:

12 My task is to produce evidence to the Military
13 Tribunal of the violations of the borders of the U.S.
14 S.R. by the Japanese-Manchurian authorities, and of the
15 undeclared wars against the U.S.S.R. which were waged
16 by Japan in 1938 and 1939. But before that I shall
17 present evidence that in 1931 and 1932, the Japanese
18 government twice rejected the official proposals of
19 the U.S.S.R. government to conclude a non-aggression
20 pact, and continued her hostile policy towards the
21 U.S.S.R.

22 I offer in evidence to the Military Tribunal
23 an extract from the record of the talk between Litvinov,
24 People's Commissar of Foreign Affairs of the U.S.S.R.
25 and the Japanese Foreign Minister YOSHIZAWA which took

1 place on December 31, 1931, prosecution document
2 No. 2369.

3 MR. FURNESS: If the Court please, I object
4 to any evidence of a refusal to sign a non-aggression
5 pact on the ground that it doesn't prove any aggressive
6 warfare or any plan of aggression. We object further
7 on the ground that if history shows anything it does
8 not show that the entry into a non-aggression pact
9 prevents aggressive wars from breaking out.

10 THE PRESIDENT: Well, as far as I am concerned
11 I don't want it argued, but it is only my personal
12 opinion, of course. Failure to agree to make a non-
13 aggression pact taken alone would, of course, not be
14 evidence of an intention to make war, but, taken in
15 conjunction with other circumstances it may reveal a
16 state of mind in favor of war. I cannot say that it
17 isn't relevant to any issue, to the issue of aggressive
18 war or preparation or conspiracy to wage it.

19 As to the second ground, that is to say the
20 lessons to be drawn from history, that is a question of
21 fact, of course, and has no bearing on the question of
22 admissibility. The objections are overruled.

23 GENERAL TADEVOSYAN: I present in evidence
24 prosecution document 2369.

25 THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Prosecution's document
2 No. 2369 will receive exhibit No. 744.

3 (Whereupon, the document above referred
4 to was marked prosecution's exhibit No. 744 and
5 received in evidence.)

6 GENERAL TADEVOSYAN: The record makes it
7 evident that an offer to conclude a non-aggression pact
8 with the U.S.S.R. was made to YOSHIZAWA, who had just
9 been appointed Foreign Minister, and who was in Moscow
10 en route from Paris to Tokyo. This offer was made in
11 the presence of HIROTA, the Japanese Ambassador to the
12 U.S.S.R. This is what Litvinov said to YOSHIZAWA.
13 I quote from the middle of the fourth paragraph of
14 page 1:

15 "We are conducting negotiations with Poland,
16 are starting negotiations with Finland, Estonia, Latvia
17 and Roumania with the aim of concluding pacts of non-
18 aggression and neutrality. We have concluded such pacts
19 with Germany, Lithuania, Turkey, Persia and Afghanistan.
20 The pact with France has been initialled. When these
21 negotiations are completed and the pacts signed, we
22 shall be bound by the pacts of non-aggression with
23 all our neighbors with the exception of Japan.

24 "We consider that this gap should be filled,
25 otherwise there will be a queer situation that Japan .

1 will be our only neighbor who has no pact of non-
2 aggression with us. Such a pact expresses the peaceful
3 policy and intentions of the Governments, and it will
4 be well-timed especially now when the future of the
5 Japanese-Russian relations is the subject of specula-
6 tions in Western Europe and America. The conclusion
7 of this pact would put an end to these speculations.
8 I, therefore, decided to make use of the opportunity of
9 forwarding through YOSHIKAWA a proposal, to the
10 Japanese Government to open negotiations concerning
11 the conclusion of the non-aggression pact.

12 "This proposal took YOSHIKAWA, just as well as
13 HIROTA who attended the talk, obviously by surprise.
14 Having inquired in detail about the progress of nego-
15 tiations with other countries mentioned by me in the
16 course of our talk, YOSHIKAWA again repeated that he
17 had been suddenly called from Paris to Tokyo and had,
18 therefore, no time to make the policy of the new cabinet
19 clear to himself, but that he certainly would not for-
20 get to forward our proposal to the Government."

21 Only on December 13, 1932, that is, a year
22 later, Foreign Minister UCHIDA handed over a verbal
23 note to the Soviet Ambassador Troyanovsky. I offer in
24 evidence the text of UCHIDA's note of December 13,
25 1932, prosecution document No. 2371.

1 THE PRESIDENT: Major Furness.

2 MR. FURNESS: We object to the introduction
3 of these excerpts from what is termed "M. M. Litvinov's
4 Diary." It is apparently not a real diary but what I
5 think is called an aide memoire of a conference be-
6 tween the then foreign and an official from Japan,
7 YOSHISAWA, who was then Foreign Minister from Japan.
8 Regardless of what it is, it appears to be an excerpt
9 from a diplomatic publication and all we have here is
10 a typewritten copy which does not show its official
11 status at all. Furthermore, no motion has been made
12 to exempt it from rule 6b(1) and we would like to have
13 for inspection a copy of the entire document, publication.

14 MR. GOLUNSKY: If the Tribunal please, I think
15 we should have explained that the document which was
16 used by Major General Tadevosyan is not a regular
17 diary. It is the usual form in the Soviet Foreign
18 Office that the minutes of talks between officials of
19 the Foreign Office and representatives of foreign
20 governments are written up in the form of a diary and
21 bear at the head, usually, the inscription, "From the
22 diary of such and such." If the Tribunal requires, we
23 can easily produce evidence to prove what I just
24 said. Therefore, this document is not an excerpt from
25 some other bigger document but a complete record of a

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20 governments are written up in the form of a diary and
21 bear at the head, usually, the inscription, "From the
22 diary of such and such." If the Tribunal requires, we
23 can easily produce evidence to prove what I just
24 said. Therefore, this document is not an excerpt from
25 some other bigger document but a complete record of a

1 talk between Litvinov and YOSHIKAWA, of the same type
2 as those which were produced here in Mr. Tavenner's
3 phase of the case. It is the same type of document
4 as, for instance, the record of the talk between OSHIMA
5 and Ribbentrop and others which have been produced here.
6 Therefore, the rule 6b(1) has nothing to do with the
7 document. I should like to know if the Tribunal
8 wants us to produce evidence to prove the form of
9 recording which I have just explained to the Tribunal.
10 I understand that the title of the document, as it has
11 been distributed, is misleading and it is our fault
12 that we didn't explain it earlier.

13 THE PRESIDENT : I see no reference to
14 Litvinov in this document. Is he identified with
15 Troyanovsky?

16 MR. GOLUNSKY: The reference to Litvinov is
17 at the head of page 1 of the document, 2369. The
18 objection of the defense is not to document 2371 which
19 Major General Tadevosyan was going to produce, but to
20 the previous document.

21 THE PRESIDENT: Oh, to the previous document.

22 MR. GOLUNSKY: 2369.

23 THE PRESIDENT: I had no idea they were refer-
24 ring to a document already admitted and read and
25 apparently dealt with. Well, if the Members of the

1 Tribunal, after consideration, require any further docu-
2 ment, well, they will say so.

3 Major Blakeney.

4 MAJOR BLAKENEY: I wish to mention a different
5 matter, your Honor. In connection, however, with this
6 same document.

7 THE PRESIDENT: Well, do take all your objec-
8 tions together. We expect that. We can never have
9 objection after objection throughout the trial when
10 all the objections can be most effectively and expeditiously
11 dealt with at once. It means a number of addresses or
12 arguments instead of one.

13 MAJOR BLAKENEY: I don't propose to object; I
14 wish to ask the direction of the Tribunal to a certain
15 matter in connection with this document. Mr. Golunsky
16 says it isn't a diary, but I suppose that we will have
17 to consider it to be what it is labeled, which is diary.
18 A diary is, of course, admissible by the specific
19 provisions of the Charter, but in any event it would
20 hardly stand on higher ground than an affidavit or
21 deposition. We, therefore, wish to request in the case
22 of this diary that the Court direct or that the Court
23 consider our request for a direction, as it has done
24 in the case of affidavits, that this witness be called
25 for cross-examination.

1 THE PRESIDENT: The Court will consider the
2 application.

3 GENERAL TADEVOSYAN: I repeat, I present in
4 evidence prosecution document No. 2371, the text of
5 UCHIDA's note handed over to the Soviet Ambassador
6 Troyanovsky.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Prosecution's document
9 No. 2371 will receive exhibit No. 745.

10 (Whereupon, the document above referred
11 to was marked prosecution's exhibit No. 745 and
12 received in evidence.)

13 GENERAL TADEVOSYAN: In this note the Soviet
14 proposal to conclude the pact was declined on the
15 following grounds, I quote from the middle of the
16 first paragraph on page 1:

17 "Some people are of the opinion that in view
18 of the fact of the existence of different problems of
19 such nature as may lead to differences between the
20 two nations, it would be preferable to clear up the
21 atmosphere and to provide for the settlement of these
22 questions by means of a preliminary conclusion of such
23 a non-aggression agreement. On the other hand, the
24 opposite opinion is adhered to by those who believe that
25 first of all efforts should be made to remove the cause

1 of such differences prior to the consideration of . .
2 problems of a more general nature such as the conclu-
3 sion of a non-aggression agreement.

4 "To sum up, the formal beginning of the negoti-
5 ations on the subject between the two governments in
6 this case seems to be untimely."

7 I further tender in evidence the text of the
8 note delivered by the Soviet Government on January 4,
9 1933, to the Japanese Government, document No. 2372.
10 That note made it rather clear to the Japanese Gov-
11 ernment, the true meaning of the motives for turning
12 down the Soviet proposal mentioned in the Japanese note.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution document
15 No. 2372 will receive exhibit No. 746.

16 (Whereupon, the document above referred
17 to was marked prosecution's exhibit 746 and
18 received in evidence.)

19 THE PRESIDENT: Major Blakeney.

20 MR. BLAKENEY: If the Tribunal please, we are
21 trying to object to these things in time but they go
22 by so rapidly it seems we are a little late.

23 THE PRESIDENT: Well, I paused and looked at
24 the lectern and there is nobody there and nobody
25 approaching it. We are not too late.

1 MR. BLAKENEY: Shall I state the objection, sir?

2 THE PRESIDENT: You may.

3 MR. BLAKENEY: It is that the original exhibit
4 of this document, 2372, in common with a number of the
5 other exhibits of this same sort, is marked "copy of
6 a copy" or something of that nature. We have here
7 nothing remotely resembling an original document, so
8 far as we are able to determine, anywhere in the court-
9 room.

10 MR. GOLUNSKY: If the Tribunal please, the
11 original was handed to the Japanese Government at the
12 time and a copy sent to Moscow where it is now in the
13 State Archives of the U.S.S.R. From this copy, a copy
14 was made and certified by the Director of the Central
15 Archives of the U.S.S.R., Professor Maksakov. There-
16 fore, we contend that under the Charter, Article 13,
17 the document is admissible.

18 MR. BLAKENEY: The certificate indicates and
19 the copy states that the original may be found in the
20 Central Historical Records Office, U.S.S.R.

21 MR. GOLUNSKY: From the very sense of the note,
22 it is easy to ascertain that the original was handed
23 at the time to the Japanese Government and what is meant
24 by "original" in the certificate is the original copy
25 which was sent at the time by the Soviet Ambassador
in Tokyo, Troyanovsky, to Moscow.

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1 THE PRESIDENT: Well, it is easy to accept
2 your explanation, seeing that the original was a
3 communication to the Japanese Government. All that
4 you would have would be a copy of the original.

5 The question my colleagues have to decide, my
6 colleagues and myself have to decide, is whether we
7 will insist on the copy now in Moscow being produced
8 or a photostat copy of it, or whether we will be satis-
9 fied with what we have. There may be many such attempts
10 to prove very important documents in this way, so I
11 will take the views of my colleagues.

12 Has any attempt been made to get the original
13 in the Japanese Foreign Office?

14 MR. GOLUNSKY: I admit that we did not anti-
15 cipate any difficulties in producing this document
16 and we did not make this attempt. If the Tribunal so
17 directs we will make it immediately.

18 THE PRESIDENT: A majority of the Tribunal
19 has decided to admit the copy tendered here. It is
20 already marked exhibit 746. The objection is overruled.

21 GENERAL TADEVOSYAN: If the Tribunal please,
22 I shall quote only one excerpt from this document. I
23 quote from the top of page 3:

24 "The substance of non-aggression pacts, as
25 well as the substance of the Kellogg-Briand Pact lies

1 in the principle that the states involved, taking
2 into consideration the existence of controversies
3 between them at present, or the possibility of new
4 controversies in the future, refuse to settle them
5 by the use of force. The Soviet Government on its
6 part in no way considers that between the Union of
7 Soviet Socialist Republics and Japan there are con-
8 troversies which cannot be settled, or which the
9 Soviet Government refuses to settle by peaceful means.
10 The negation of this would be contradictory to the
11 Kellogg-Braind Pact, to which both the Union of Soviet
12 Socialist Republics and Japan are signatories. Pro-
13 posing a non-aggression pact with Japan, the Soviet
14 Government has in no way ignored that international
15 instrument, but meant to consolidate it by means of
16 bilateral agreement to amplify it and to adapt it
17 to the peculiarities of the relations between both
18 nations. The proposal of the Soviet Government was
19 not called forth by the considerations of the moment,
20 but resulted from all its peaceful policy, and there-
21 fore continues in force for the future."

22 However, that did not help either. A new
23 elaborately worded answer of the Japanese Government
24 followed. I offer in evidence the text of the note
25

1 of the Japanese Government of February 13, 1933, which
2 note again turned down the proposal of the U.S.S.R.
3 and in addition, expressed the discontent of the
4 Japanese Government on account of the U.S.S.R.
5 government's having published its note, Prosecution
6 document No. 2373.
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1 THE PRESIDENT: Major Blakeney.

2 MR. BLAKENEY: I would like to point out to
3 the Tribunal in objecting to the reception of this
4 document that not only is it also a copy from a copy
5 of the translation, but it is a document delivered by
6 the Japanese representatives to the Soviet authorities,
7 the original of which should therefore be, as it is
8 certified to be, in Moscow.

9 THE PRESIDENT: We have admitted copies in
10 these circumstances, always reserving the right to call
11 for the original if we think fit.

12 GENERAL TADEVOSYAN: If the Tribunal please,
13 I shall not quote this document.

14 THE PRESIDENT: Mr. Logan.

15 MR. LOGAN: If the Tribunal please, if I
16 understand your past rulings, you have followed
17 Article 13c(5), and that is that the copies of documents
18 have been admitted only if the original was not
19 immediately available. And it is my recollection in
20 all instances the Court, Tribunal, has requested that
21 the original be made available before considering the
22 copy, although some of them have been admitted con-
23 ditionally.

24 THE PRESIDENT: If, as the certificate says, the
25 original is in Moscow, it certainly is not immediately

1 available.

2 MR. LOGAN: If the Tribunal please, what I
3 am trying to point out is the difference in your pre-
4 sent ruling and what you have made in the past. In
5 the past you have asked that the original be produced;
6 and now, as I understood your ruling on this last
7 document, it was that if the Tribunal desired it.

8 THE PRESIDENT: Yes, as I am reminded, my
9 decision this afternoon is quite in conformity with
10 what we have done previously. I do not see how I can
11 do any more than that. If you will tell us that you
12 have reason to think that these documents of which we
13 are accepting copies do not exist or are not correctly
14 represented in the copies, then we will take steps to
15 direct the original to be produced. But you must give
16 us grounds for thinking that the originals do not exist
17 or are wrongly misstated in the copies.

18 MR. LOGAN: Of course, we do not take that
19 position, your Honor, or we cannot take it. What we
20 are contending is that the prosecution should produce
21 the best evidence available to it, and the best evidence
22 is the originals when they have possession of them.

23 As I say, I think your ruling in the past has
24 been that the original be produced if it is available
25 at all, whereas I think there is a distinction, with

1 all respect to the Tribunal, in the decision made this
2 afternoon. That is, you have reserved unto yourselves
3 the right to decide whether or not the original should
4 be produced; and we think they should, for two
5 reasons: one, in conformity with the Charter; and, two,
6 in conformity with your previous decisions.

7 THE PRESIDENT: Well, the Tribunal must be
8 consistent in its decisions, of course. But our
9 recollections appear to differ in this regard, Mr.
10 Logan. If I find I am wrong, I will correct my decision,
11 or the Tribunal's decision. But I feel sure we are
12 right. I am supported by one of my colleagues, who
13 listens very carefully and who has a good memory.

14 You will proceed with the reading of this
15 document.

16 It is admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution's document
18 No. 2373 will receive exhibit No. 747.

19 (Whereupon, the document above
20 referred to was marked prosecution's exhibit
21 No. 747, and was received in evidence.)

22 GENERAL TADEVOSYAN: If the Tribunal please,
23 I shall not quote this document because it is once
24 more stated in the note that the Japanese Government
25 would not carry on negotiations on concluding a

1 non-aggression pact.

2 Now we shall produce a series of evidence to
3 establish that for a period of several years, and
4 especially after the seizure of Manchuria in 1931, Japan
5 did everything she could to render the normal exploita-
6 tion of the said railroad impossible and thus prepare
7 the way for its seizure.

8 THE PRESIDENT: Mr. Smith.

9 MR. SMITH: If the Court please, on the last
10 exhibit the prosecutor did not see fit to read it, and
11 he made the statement that once more the document
12 showed the Japanese Government refused to negotiate.

13 I ask your Honor to strike out that statement
14 because the document does not show any such thing.

15 THE PRESIDENT: I take it you are referring
16 to the exhibit last admitted, 747. If any part of
17 the prosecutor's comment is not warranted by the docu-
18 ment, we will disregard the comment to that extent.
19 That is all I can say. None of us have had time to
20 read more than a line or two of the document which
21 extends over two pages.

22 GENERAL TADEVOSYAN: If the Tribunal please, I
23 shall read the portion I have omitted just for the
24 sake of expediency, because that portion just repeats
25 the words which were mentioned in the previous document.

1 THE PRESIDENT: Proceed.

2 GENERAL TADEVOSYAN: I am quoting the third
3 paragraph on page 1.

4 "'The Japanese Government evidently believes
5 that the conclusion of non-aggression agreements is
6 pertinent only between the two states which have no
7 controversies.' To refute this idea the Japanese
8 Government can only insist upon the Soviet Government's
9 thorough deliberation of the statement contained in
10 the verbal note of the Japanese Government which reads:
11 'To sum up, the formal beginning of the negotiations
12 between the two governments in this case seems to be
13 untimely.'"

14 Now I repeat my previous statement.

15 Now we shall produce evidence to establish
16 that for a period of several years, and especially
17 after the seizure of Manchuria in 1931, Japan did every-
18 thing she could to render the normal exploitation of
19 the Chinese Eastern Railroad impossible and thus
20 prepare the way for its seizure.

21 The document submitted by Colonel Ivanov,
22 my colleague in prosecution, exhibit No. 698, contain-
23 ing the plan of "Sabotage Activities against Russia"
24 drawn up by the Japanese secret agent KANDA, Masatane,
25 has established before the Tribunal the fact that even

1 in 1927 sabotage activities and destruction of the
2 railroad were planned to be carried out on the Chinese
3 Eastern Railroad, and the Hunghutze were to be used
4 for this purpose.

5 If the Court please, I offer evidence to
6 corroborate the fact that railroad accidents, acts of
7 sabotage, plunder and violence over the Soviet citizens,
8 employees of the railroad, took place, these acts caus-
9 ing considerable damage to the railroad.

10 So as not to inconvenience the Tribunal with
11 too much material, I present in evidence a list of
12 malicious assaults on the Chinese Eastern Railroad
13 which took place in April 1934 alone. This list was
14 completed by Mr. Yang Shou-Chung, Chief of the General
15 Affairs Section of the C.E.R.R., prosecution document
16 No. 2306.

17 MR. McMANUS: If your Honor please, I would
18 like to make an objection--

19 THE PRESIDENT: I will hear your objection
20 in good time if you will come in good time.

21 MR. McMANUS: I beg your pardon?

22 THE PRESIDENT: I will hear your objection
23 in good time if you come in good time. You may proceed
24 with it.

25 MR. McMANUS: Did your Honor say that I might

1 proceed?

2 THE PRESIDENT: Yes.

3 MR. McMANUS: I would just like my objection
4 noted for the record, if the Court please, once again
5 to the testifying of the prosecutor. I ask your Honor
6 please, I mean, to instruct the prosecutor to limit
7 his explanation. After all, there has been an opening
8 statement. You do not need an opening statement for
9 a paragraph or two. I object.

10 THE PRESIDENT: I have every sympathy with
11 your objection, Mr. McManus, and I appeal to the pro-
12 secutors again to limit their descriptions and expla-
13 nations to the barest minimum. That will not prevent
14 the logical presentation and the clearest understanding
15 of their case.

16 Mr. Golunsky.

17 MR. GOLUNSKY: If the Tribunal please, I
18 should like to have the Tribunal's direction on this
19 matter. We are presenting a number of subject matters.
20 To each one relates several, a number of pieces of
21 evidence. For instance, General Tadevosyan has now
22 been presenting evidence on the proposed non-aggression
23 pact between the Soviet Union and Japan.

24 THE PRESIDENT: Now, Mr. Golunsky, we will
25 hear the balance of your explanation in the morning.

1 You can think it over. So may the defense.

2 We will adjourn, now, until half past nine
3 tomorrow morning.

4 (Whereupon, at 1600, an adjournment
5 was taken until Tuesday, 15 October 1946, at
6 0930.)

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